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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

**LEAGUE OF WILDERNESS
DEFENDERS/BLUE MOUNTAINS
BIODIVERSITY PROJECT, *et al.*,**

Plaintiffs,

v.

KENT P. CONNAUGHTON, *et al.*,

Defendants,

and

BAKER COUNTY, a political subdivision
of the State of Oregon, *et al.*,

Defendant-Intervenors.

Case No. 3:12-cv-02271-HZ

**PLAINTIFFS' AMENDED MOTION
FOR SUMMARY JUDGMENT**

Oral Argument Requested

Date: October 10, 2014
Time: 1:30 p.m.
Courtroom: 14B
Judge: Hon. Marco A. Hernández

Pursuant to Local Rule 7-1(a), the parties made a good faith effort to resolve their dispute, but were unable to do so. The parties did agree upon which claims plaintiffs would seek summary judgment, with one misunderstanding. When plaintiffs stated in the stipulated motion for revised briefing schedule (Dkt No. 88), that they “will not pursue the claims the appellate court found were not likely to succeed on the merits, except for the NEPA bull trout claim,” plaintiffs implied they intended to pursue the one claim the appellate court held was likely to succeed: Claim 1, Count 4 (failure to complete a SEIS after the travel management plan (TMP) was withdrawn). Defendants, however, understood plaintiffs intended to pursue only the bull trout claim, not the TMP claim. The parties discussed this matter after plaintiffs noticed defendants did not address the TMP claim in their summary judgment motion. The parties agreed defendants will argue their position on this claim in their response to plaintiffs’ motion for summary judgment.

Now, upon further consideration of the Ninth Circuit’s decision, 2014 WL 1814172 (9th Cir. 2014), plaintiffs will not pursue the NEPA bull trout claim (Claim 1 count 12) or Claim 1 count 2 (failure to complete a SEIS in light of newly proposed 130 acre regeneration sale). Plaintiffs believe the appellate court’s decision effectively decided these issues in defendants’ favor.

Plaintiffs therefore move this Court for an order granting summary judgment in favor of plaintiffs on Claim 1, Counts 3, 4, 6, 8, 9, 10, and 11, and Claim 2 of the Amended Complaint. This motion is supported by their amended supporting memorandum, the administrative record (AR) lodged by defendants, the Fourth Declaration of Jennifer Schemm (Dkt. 121), and the Declaration of Brian Kelly (Dkt.122).

Respectfully submitted this 15th day of July, 2014.

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